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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-3065-2023

Date of Decision: 20.04.2023

Jasbir

. . . . Petitioner

Vs.

State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MRS JUSTICE SUKHVINDER KAUR

Present Mr. Randeep Singh Dhull, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

M.S. RAMACHANDRA RAO, J. (Oral)

1. Reply filed by the State counsel today in the Court is taken on record.
2. This Writ Petition is filed seeking grant of regular parole to the petitioner to meet with his mother.
3. There is no dispute that the petitioner is a convict in FIR No.955 dt.26.10.2017 under sections 302, 148, 149, 452 of IPC registered at Police Station City Thanesar, District Kurukshetra, vide judgment and order on quantum of sentence dt.15.01.2020, whereby he had been convicted to undergo rigorous imprisonment for life and to pay a fine of Rs.20,000/- along with other co-accused.
4. The said conviction had been challenged by the petitioner in Appeal bearing No.CRA-D-146-2020, which is pending before this Court.
5. Petitioner is claiming parole on the basis of section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022.
6. The State has filed response stating that under section 11(6) of the said Act, ordinarily co-accused convicted prisoners shall not be granted regular parole or furlough simultaneously.

7. It is stated that a co-convict of the petitioner namely Akshay Mastana had been released on parole for 10 weeks on 28.03.2023, and he would be surrendering back at jail gate on 07.06.2023, and therefore this application has been filed.

8. Counsel for the petitioner has relied upon a decision of this Court in *CRWP-10835-2022* rendered on 01.02.2023 by Co-ordinate Bench wherein this Court had, in a similar situation, taken the view that in view of section 11(6) of the said Act, though co-accused convicted person should not be granted parole or furlough simultaneously, the authorities need not file the said request for parole because the co-convict is on parole. It had disposed of the said Writ Petition with a direction to the competent authority to take a decision on the request of parole within 4 weeks.

9. Having regard to the said decision, and since filing of the application for parole by the petitioner would compel the petitioner to file fresh application, we direct the respondents to not file the application given by the petitioner for parole, but decide it within 4 weeks; and in case decision is taken to grant parole, to implement it after the co-convict surrenders.

10. Writ Petition stands disposed of accordingly.

11. Pending application(s), if any, also stands disposed of accordingly.

(M.S. RAMACHANDRA RAO)
JUDGE

(SUKHVINDER KAUR)
JUDGE

April 20, 2023

Mohit goyal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No